

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GARY ROBERT THURMER,

Petitioner,

v.

ORDER

JOAN FABIAN, Commissioner of
Corrections,

Civil No. 04-3174 (MJD/JSM)

Respondent.

Gary Robert Thurmer, pro se.

Donald F. Ryan and John J. Sausen, Crow Wing County Attorneys, Counsel for
Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated August 2, 2005. [Docket No. 25.] Petitioner filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review, the Court adopts the Report and Recommendation dated August 2, 2005.

Based upon the files, records, and proceedings herein, **IT IS HEREBY**

ORDERED that:

1. The Magistrate Judge's Report and Recommendation dated August 2, 2005, [Docket No. 25] is hereby **ADOPTED**;

2. Gary Robert Thurmer's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [Docket No. 1] is **DISMISSED WITH PREJUDICE**;
3. Gary Robert Thurmer's Motion for Habeas Corpus Relief [Docket No. 9] is **DENIED AS MOOT**;
4. Gary Robert Thurmer's Motion to Amend Order [Docket No. 12] is **DENIED AS MOOT**;
5. Gary Robert Thurmer's Motion for Habeas Corpus Relief [Docket No. 18] is **DENIED AS MOOT**.

Dated: September 27, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court